

REMARKS

Applicant has amended the application to reflect issue of a related application.

The Examiner has rejected claims 4-17 under 35 U.S.C. 103(a) as being unpatentable over Franczek et al. (U.S. Patent No. 5,987,610) (“Franczek”) in view of Ji, et. al. (U.S. Patent No. 5,983,348,600) (“Ji”) and the Microsoft Computer Dictionary. (“Microsoft.”) Applicant traverses the Examiner’s rejection.

Applicant respectfully disagrees that either Ji or Microsoft has a protocol parser element. Ji has a parser (44) but it is a “Java class parser component [for] pars[ing] each Java class file. Parser 44 conventionally extracts the instruction sequence of the Java function.” (Ji, Col. 7, lines 34-36.)

The Java class parser component 44 of Ji is not a protocol parser. It operates within the Ji disclosure to scan applets, and apparently does so by parsing the Java applet into Java instructions. But the Ji parser does not parse protocols – it parses Java instructions. Thus it is like the parser of Microsoft in that it breaks input into smaller chunks. But it is not like the “protocol parser” of claim 4. (Indeed the word “protocol” does not appear to appear in Ji at all, nor does “protocol parser” in either Ji or Microsoft.)

As was previously noted, a “protocol parser” is not a “parser.” The protocol parser of Applicant’s claim 4, as Applicant has noted in related application 09/244,154, functions to:

Figure 4 further illustrates an embodiment of the method and system in which, during scanning, the NTI 40 may be used in conjunction with parsers to track the state of and modify the behavior of selected protocols. This function is performed by the ***Protocol Parser 41. Parsers are used to discriminate among different protocols implemented on top of the transport layer. (emphasis added.)***

See also Microsoft's Microsoft Security Bulletin, MS00-083 discussing the use of protocol parsers in Network Monitoring Software, at p. 3, copy enclosed with prior response and another enclosed here and available at www.microsoft.com/technet/security/bulletin/MS00-083.msp.

In other words, by using a protocol parser, the invention of claim 4 is able to interpret packets or frames, if desired. This means that the initial part of a received frame is decoded for the protocol header that it contains.

The protocol parser of claim 4 does not have anything to do with breaking input into smaller chunks as – the input, if it is in a frame, is already in smaller chunks.

With all due respect, therefore, the Examiner is simply incorrect when she asserts that there is a “protocol parser” in either Ji or Microsoft. Applicant does admit there is a parser, but the parser of those references is not the same as the protocol parser of the claim.

Moreover, since Microsoft lacks the element of the claim, there can be no motivation for a combination such as the Examiner suggests.

Accordingly, Applicant respectfully requests the withdrawal of the rejection to claim 4.

Claim 5-7 depends from claim 4, and the above arguments with regard to the elements of claim 4 also apply here. (Applicant also notes the inclusion of another reference, a prior invention of the present inventor, Radatti 6,721,424. However, the reference does not supply the missing protocol parser of the claim nor the motivation to combine the references.) Accordingly, Applicant respectfully requests the withdrawal of

the rejection to claims 5-7 and Applicant submits the claims are allowable as being dependant from an allowable base claim.

Claim 8 has been rejected on the same basis as claim 4, and thus the arguments applicable to that claim also apply here. The additional reference to an element in Franczek, it is submitted, makes no difference here. Therefore, Applicant respectfully requests the withdrawal of the rejection to claim 8 and allowance of the claim. Claim 8's dependant claims, 9-11, are similarly allowable, and so Applicant requests withdrawal of the rejection and allowance of the claims.

Claim 12 has been rejected on the same basis as claims 4 and 8. Thus, Applicant submits, the above argument with regard to claim 4, which was also applied to claim 8, also applies here. Claim 12's dependant claims 13-17 are similarly allowable.

Applicant notes the Examiner's response to Applicant's prior amendment. As the Examiner noted, apparently Applicant was using the wrong Ji reference.

The Ji reference the Examiner has used, however, as Applicant has noted above, does not bar patentability of the current claims. Ji discloses a "parser," but not a "protocol parser." The Examiner is correct in asserting there is HTTP disclosed in Ji, but that mention has nothing to do with a protocol parser. The Examiner is also correct in asserting that Franczek discloses IP, TCP and FTP, but there is no reference to a protocol parser element either.

In sum, the prior art either has parsers that break a Java program into smaller chunks (Ji,) or refer generally to parsers as breaking a program into smaller chunks (Microsoft,) or appear to have no reference at all to protocol parsers (Franczek). Nowhere are protocol parsers disclosed.

The Examiner goes onto state that “[i]f Applicant has a specific function of a parser than it should be claimed.” Applicant is not sure to what the Examiner is referring. Applicant does note however, that he has claimed a “protocol parser” and that a “protocol parser” is not a “parser.” The protocol parser of Applicant’s claim 4, as Applicant has noted in related application 09/244,154, functions to:

Figure 4 further illustrates an embodiment of the method and system in which, during scanning, the NTI 40 may be used in conjunction with parsers to track the state of and modify the behavior of selected protocols. This function is performed by the ***Protocol Parser 41. Parsers are used to discriminate among different protocols implemented on top of the transport layer. (emphasis added.)***

Finally, the Examiner has noted references to a “proxy server” and/or “protocol server.” It is believed however that those references may have been made in light of the confusion as to the appropriate Ji reference, and therefore, as the Examiner noted, they are moot.

Conclusion

Claims 4-17 define patentable subject matter over the art of record and are not anticipated by nor obvious in view of the references of record. A Notice of Allowance is respectfully solicited.

Respectfully Submitted,



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